

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN LIGHTBOURNE
41 Garrett Road
Upper Darby, PA 19082

Plaintiff

v.

United States Postal Service
1720 Market Street, Room #2400
St. Louis, MO 63155-9948

Defendant

NO.:

COMPLAINT

1. Plaintiff, John Lightbourne, is an adult individual residing at the above-captioned address.
2. Defendant, United States Postal Service (hereinafter referred to as "USPS"), is a governmental agency with offices located at the above-captioned address.
3. Plaintiff, John Lightbourne, presented his administrative claim to the United States Postal Office via certified mail on March 14, 2022 by submitting the SF95 to the USPS. Please see attached as Exhibit "A". On October 24, 2022 we received a denial of plaintiff's administrative claim. Please see attached as Exhibit "B".
4. Six (6) months have elapsed since the aforementioned date, and no denial or other disposition of plaintiff's claim has been received. Pursuant to statute, therefore, plaintiff may now deem this claim as having been denied and therefore has the right to commence litigation, and therefore this Complaint is now being filed.

5. On or about May 14, 2020, Plaintiff, John Lightbourne, was lawfully and properly upon the property located at 201 Bywood Avenue Upper Darby, PA 19082, Delaware County, Commonwealth of Pennsylvania.

6. At all times material, the property located at 201 Bywood Avenue Upper Darby, PA 19082, is/was owned, controlled, managed and maintained by defendant.

7. On or about May 14, 2020, Plaintiff, John Lightbourne, was properly and lawfully upon the premises of the United States Post Office located at 201 Bywood Avenue Upper Darby, PA 19082, Delaware County, Commonwealth of Pennsylvania when his foot became lodged in an uneven/defective gap in the step, and he was caused to sustain serious and permanent injuries. Said dangerous condition was caused by the negligence and carelessness of the defendant, its agents, workmen and/or employees, resulting in injuries to the plaintiff as more fully set forth elsewhere herein.

8. At all times material hereto, defendant maintained the aforesaid area, individually and/or through its agents, servants, workmen and/or employees.

9. At all times material hereto, the injuries sustained by the plaintiff were caused as a direct result of the negligence and carelessness of defendant and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

10. At all times material hereto, defendant did own, control, maintain and/or control the area where the plaintiff, John Lightbourne, was injured.

11. The negligence and carelessness of the defendant, its agents, servants, workmen and/or employees consisted of the following:

- a) causing and/or permitting the aforesaid area to become and remain defective and unsafe;

- b) failing to properly and adequately maintain the aforesaid;
- c) failing to properly and adequately warn the plaintiff;
- d) failing to properly and adequately inspect the aforesaid area to ascertain the existence of unsafe conditions thereon;
- e) failing to properly repair defective and unsafe condition;
- f) causing and/or permitting a dangerous condition to remain in the aforesaid area where the defendant knew or should have known that plaintiff would be ambulating;
- g) failing to properly and adequately correct the unsafe conditions of the area;
- h) failing to use due care under the circumstances;
- I) failing to properly maintain the area;
- j) failing to properly police the area;
- k) failing to restrict the public and plaintiff in particular from unsafe areas; and
- l) allowing plaintiff to enter an area of danger, conditions to develop, progress and remain.

12. Solely by reason of the carelessness and negligence of the defendant, plaintiff, John Lightbourne, sustained injuries including but not limited to extensive disruption centrally within the quadriceps tendon, ACL sprain, requiring surgical intervention among injuries to other parts of his body together with multiple contusions and abrasions together with shock and injury to his nerves and nervous system. All of the above injuries are permanent except those of a superficial nature. All of the foregoing injuries have rendered the plaintiff sick, sore, lame, prostrate, disabled and disordered and have made him undergo great mental anguish and physical pain, as a result of which he has suffered, yet suffers and will continue to suffer for an indefinite time in the future.

13. By reason of the negligence of the defendant acting as aforesaid, the plaintiff has been and may be in the future required to expend various sums of money for medical services and treatment of the injuries sustained.

14. By reason of the occurrence above described, plaintiff, John Lightbourne, has been unable to follow his usual occupations, avocations and may in the future be hindered in and prevented from attending to his usual duties, occupations and avocations all to his great financial detriment and loss.

15. By reason of the negligence of defendant as aforesaid, plaintiff, John Lightbourne, has and may continue to suffer severe loss of earnings and impairment of earning capacity and earning power.

WHEREFORE, Plaintiff, John Lightbourne, demands judgment against the Defendant, United States Postal Service, in the amount of Three Hundred Fifty Thousand Dollars (\$350,000.00), plus interest and costs pursuant to his previously filed Administrative Claim.

BY: 

NEIL KERZNER, ESQUIRE
LARRY PITT & ASSOCIATES, P.C.
Attorney I.D. Number: 62292
409-11 South 20th Street
Philadelphia, PA 19146
Attorney for Plaintiff
(215) 546-0011

DATE: 11-30-2022

VERIFICATION

I, John Lightbourne, verify that I am the Plaintiff herein and that the statements made in the Complaint are true and correct to the best of my knowledge, information and belief.

I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

A handwritten signature in dark ink, appearing to read 'John Lightbourne', is written over a horizontal line. The signature is stylized with a large 'X' at the beginning and a long, sweeping underline.

JOHN LIGHTBOURNE
Plaintiff

DATE: October 31, 2022